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Research Guide to Export Control and WMD Non-proliferation Law

WEI LUO *

INTRODUCTION

After World War II, the non-proliferation of weapons of massive destruction (WMD) and the export controls of conventional weapons and civilian and military dual-use technologies have been one of the most important focal point of international cooperation. Many international treaties have been signed and the international organizations have been established to promote these non-proliferation and export control efforts. The industrialized countries and the developing countries of China, India, and Pakistan that possess nuclear weapons and missile technologies have also enacted domestic laws and set up administrative regimes to control these goods and technologies from flowing to other countries or undesirable people. Among these countries, the United States has been the leader strongly advocating non-proliferation of WMD and export controls of civilian and military dual-use goods. In fact, the United States has established a very sophisticated export control system to prevent its weapons and technologies from going to the hands of any adversaries. Because the complicities and overlaps of international treaties and domestic laws on this topic, it warrants a research guide for would-be researchers to walk through the maze of international and domestic export control regimes.

This research guide has two parts. Part One is about the U.S. export controls and Part Two focuses on International Non-proliferation cooperation and the export controls of several countries that possess WMD technologies.

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¹ The purpose of this research guide is to guide would-be researchers to the primary sources (statutes, cases, regulations, and international treaties) and the websites of major governmental agencies in charge of export controls and the International organizations promoting non-proliferation. The information used in Part Two heavily relies on the resources published on the Internet.

PART ONE UNITED STATES EXPORT CONTROLS

The United States' export control system is a highly regulated and institutionalized system designed to protect its national and international security interests by regulating which goods and technologies can be transferred to certain countries. For instance, when an exporter wants to sell a dual-use product (a product which has both commercial and military application, i.e., a super-computer system) to a foreign country, she has to find out whether such a commodity (including hardware, software, and technical data) can be exported to the country where the entity is located, if this entity is the end-user of the commodity or is going to re-export the commodity to another foreign end user, and how to obtain an export license. If the exporter fails to comply with the law, she may lose export privileges or subject to fines and/or face imprisonment. Today, posting controlled technical data on an unsecured website on the Internet could also be treated as violating the U.S. export control law.

1. FEDERAL STATUTES

Export control law has been essentially a matter of federal law, with no state law on the subject, because only the federal government has the power to regulate foreign trade issues. This power was granted by the U.S. Constitution, Article 1, Section 8, Clause 3.²

1.1 Dual-Use Goods Export Controls

Before 1940, the United States had no legal mechanism for controlling peacetime export of militarily significant products to potential enemies. In 1940, when World War II began, the Congress gave the President

¹ Some data listed in Part One of this article were published in Wei Luo, *A Pathfinder to U.S. Export Control Laws and Regulations* (Hein, 1994). The author thanks Hein for allowing reuse of the data in this article.

² U.S. Const. art. I, § 8, cl. 3, which reads: "The Congress shall have Power ... To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes."

authority to control the export of militarily significant goods and technologies through the Act to Expedite the Strengthening of the National Defense.³ By 1949, the West and U.S. viewed the former Soviet Union and its allies, including the People's Republic of China (PRC) as potential military adversaries. Accordingly, the Congress enacted the Export Control Act of 1949,⁴ to give the president the power to impose export controls in order to further national security and foreign policy objectives, or to preserve goods in short supply. In 1969, the Congress passed the Export Administration Act of 1969,⁵ changing the general export control policy from “strategic embargo” to “qualified promotion of exports”, in order to gain the international exporting market share for U.S. businesses.

(1) Export Administration Act (EAA) of 1979

On September 29, 1979, President Carter signed into law the Export Administration Act of 1979 (EAA),⁶ which superseded the EAA of 1969. Like the previous acts, the EAA of 1979 still empowers the president to regulate exports of goods and technology from the U.S. in order to protect national security, further foreign policy, and reserve needed resources.⁷ In addition, the EAA authorized the president to establish a list of controlled countries ranging from those receiving favorable treatment to those whose imports are severely curtailed.⁸ Since the enforcement of the EAA needs highly trained experts to track and regulate dual-use technologies, the Congress delegated the authority to maintain a Commodity Control List (CCL) which contains items subject to export restriction, to the Secretary of Commerce.⁹

Since the EAA bases its strictures on the country of destination and the sophistication of the technology to be exported, the EAA can be used to further U.S. foreign policy goals by manipulating the list of proscribed

³ Ch. 508, 54 Stat. 712 (1940) (expired in 1949).

⁴ Ch. 11, 63 Stat. 7 (codified as amended at 50 U.S.C. app. §§ 2021-2032 (1964) (expired 1969)).

⁵ Pub. L. No. 91-184, 83 Stat. 841 (codified as amended at 50 U.S.C. app. §§ 2401-2413 (1976) (expired 1979)).

⁶ Pub. L. No. 96-72, 93 Stat. 503, (codified as amended at 50 U.S.C. app. §§ 2401-2420 (1988 & Supp. II 1990)).

⁷ 50 U.S.C. app. § 2402 (1988 & Supp. III 1991).

⁸ 50 U.S.C. app. § 2404(b) (1988 & Supp. III 1991).

⁹ 50 U.S.C. app. § 2404(c) (1988 & Supp. III 1991).

technologies or countries.¹⁰ So, this mechanism of the EAA adds complexity to the export control system and makes it hard for exporters to follow its laws and regulations.

The EAA was supposed to expire on September 30, 1990.¹¹ On that same day, former President Bush issued an executive order to extend the EAA until the Congress enacted legislation re-authorizing the Act.¹² A month later, the House and Senate both reached agreement on legislation to re-authorize the EAA on October 23, 1990.¹³ However, the Congress has never renewed the EAA since then. Subsequently, the Presidents of the U.S. have annually issued an executive order to keep the EAA alive by declaring the national emergency according to the power vested by the International Emergency Economic Powers Act (IEEPA) (50 U.S.C. § 1701 et seq.).¹⁴

The IEEPA provides for the automatic termination of a national emergency, prior to the anniversary date of its declaration, the president has to publish in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. Therefore, the president has to do so every year to keep the EAA alive.¹⁵

(2) Major Amendments and Additions to the EAA

¹⁰ Peter S. Malloy, *Controls on the Export of Military Sensitive Technology: National Security Imperative or U.S. Industry Impediment?* 18 Rutgers Computer & Tech. L.J. 841, 845 (1992).

¹¹ 50 U.S.C. app. § 2419 (1988).

¹² Exec. Order No. 12,730, 3 C.F.R. 305 (1991), reprinted as amended in 50 U.S.C. § 1701 (1988 & Supp. III 1991).

¹³ *Export Controls: House, Senate Conferees Reach Agreement on Legislation to Extend Export Controls*, 7 Int'l Trade Rep. (BNA) 1607 (Oct. 24, 1990).

¹⁴ Cecil Hunt, *Overview of U.S. Export Controls*, in *Coping with U.S. Export Controls 2004* 21, 23 (PLI, 2004). See also the Executive Orders of Continuation of Emergency Regarding Export Control Regulations issued by the presidents between 1991 and 2005 in Presidential Documents.

¹⁵ *Continuation of Emergency regarding Export Control Regulations: Communication from the President of the United States Transmitting Notification that the Emergency regarding Export Control Regulations Is to Continue in Effect beyond August 17, 2005, pursuant to 50 U.S.C. 1622(d)*. Y 1.1/7:109-51 (Washington : U.S. G.P.O., 2005). This document is also available at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=109_cong_documents&docid=f:hd051.109 (last visited Oct. 7, 2007).

Even though more than three dozen bills have been introduced to Congress to reform the EAA, none of them have been passed since 1985. There have been only four major amendments and additions to the EAA.

1. *Export Administration Act of 1985*,¹⁶ which extended the EAA of 1979 and corrected some of the inefficient export control practices which could injure national industrial interests.¹⁷
2. *Omnibus Trade and Competitiveness Act of 1988*,¹⁸ which again amended the EAA in an effort to further ease exporters from the constraints of overly restrictive export laws by reducing the items on the commodity control list and simplifying the review procedure of the Coordinating Committee for Multilateral Controls (CoCom).¹⁹
3. *National Defense Authorization Act for Fiscal Year 1991*,²⁰ which brings the control of missile technology within the aegis of domestic export control in order to prevent and suppress the exportation of technology which may contribute to the proliferation of missiles capable of delivering weapons of mass destruction.²¹
4. *Chemical and Biological Weapons Control and Warfare Elimination Act of 1991*,²² which amended the EAA in an effort to sanction and prohibit the proliferation of chemical and biological weapons.²³

1.2 Defense Articles and Services Export Controls

(1) The Earlier Acts

The U.S. export control system originated from the Trading with the Enemy Act of 1917, which restricted munitions exports to the enemy in the

¹⁶ Pub. L. No. 99-64, 99 Stat. 120 (codified as amended at 50 U.S.C. app. §§ 2401-2410 (1988 & Supp. III 1991)).

¹⁷ 1985 U.S.C.C.A.N. (99 Stat.) 108-127.

¹⁸ Pub. L. No. 100-418, 102 Stat. 1107, (codified as amended at 50 U.S.C. app. §§ 2401 et seq. (1988 & Supp. III 1991)).

¹⁹ *Id.* and see also John B. Geddes, The 1988 Trade Act and the Effect on United States Export Controls to the People's Republic of China, 1989 B.Y.U. L. Rev. 611, 618-19 (Spring 1989).

²⁰ Pub. L. No. 101-510, 104 Stat. 1485 (codified at 50 U.S.C. app. §§ 2401 et seq. (Supp. III 1991)).

²¹ *Id.* and see also Molloy, *supra* note 15.

²² Pub. L. No. 102-182, 105 Stat. 1233 (codified at 50 U.S.C. app. §2405(m) (Supp. III 1991)).

²³ *Id.*

period of spanning World War I to World War II.²⁴ However, the U.S. government did not establish an arms export control regime until 1935 when the Congress passed the Neutrality Act of 1935,²⁵ which gave the president for the first time a legal basis for instituting a formal system to control defense articles and services export.²⁶ Subsequently, the following related laws have been enacted to control the defense articles and services export:

- *The Neutrality Act of 1939*, ch. 2, 54 Stat. 4 (1939) (codified as amended at 22 U.S.C. §§ 441 et seq. (2005)).
- *The Mutual Defense Assistant Act of 1949*, ch. 626, 63 Stat. 714 (1949).
- *The Mutual Security Act of 1951*, ch. 479, 65 Stat. 373 (1951) (codified as amended at 22 U.S.C. §§ 272(b) et seq. (1988)).
- *The Mutual Security Act of 1954*, ch. 937, Stat. 832 (1954), (codified as amended at 22 U.S.C. §§ 1754, 1783, 1973 (1988)).
- *The Foreign Assistance Act of 1961*, Pub. L. 87-195, 75 Stat. 424 (1961) (codified as amended at 22 U.S.C. §§ 276 et seq. (2005)).
- *The Foreign Military Sales Act of 1968*, Pub. L. 90-629, 82 Stat. 1320 (1968) (codified as amended at 22 U.S.C. §§ 2341 et seq. (2005)).
- *The International Security Assistance and Arms Export Control Act of 1976*, Pub. L. 94-321, (codified as 22 U.S.C. 2151 et seq. (2005)).

(2) Arms Export Control Act of 1976

Since 1976, the U.S. statutory authority for defense articles and services export controls has been the Arms Export Control Act (AECA) of 1976,²⁷ which continues to authorize the president's power to control the import and export of munitions and services. In addition, this act redefined the president to designate the items of defense articles and services subject to export control.

The AECA was amended in 1996 to cover brokering activity by all persons (except officers/employees of the U.S. Government acting in an

²⁴ John Heinz, *U.S. Strategic Trade: An Export Control System for the 1990s*, 7 (Boulder, Colo. : Westview Press, 1991). Trading with the Enemy Act, 1917, ch. 40 Stat 411 (1917) (codified as amended at 12 U.S.C. § 95a (1988); 50 U.S.C. app. §§ 1-6, 7-39 (1988 & Supp. III 1991)).

²⁵ Ch. 837, 49 Stat. 1081 (1935).

²⁶ Joseph P. Smaldone, *U.S. Commercial Arms Exports: Policy, Process and Patterns*, in *Coping with U.S. Export Controls 1989*, 185, 186-88 (New York, N.Y.: Practising Law Institute, 1989).

²⁷ Also called *Foreign Military Sales Act* (Pub.L. 90-629, Oct. 22, 1968, 82 Stat. 1320, codified as 22 U.S.C. §§ 2797b-1 – 2799aa-1).

official capacity) with respect to the manufacture, export, import, or transfer of any defense articles or defense service on the U.S. Munitions List of the International Traffic in Arms Regulations (ITAR, which is discussed below). This coverage is not limited to U.S. origin defense articles/services, but can also extend to brokering involving foreign defense articles and services. Under the ITAR, persons engaged in the business of brokering activities are required to register with the Department of State and obtain the applicable authorizations for each brokering transaction. Brokering activities involving non-munitions items, where known by the perpetrator to be destined for WMD or missile activities, would also be subject to U.S. catch-all controls.

1.3 Nuclear Equipment and Technology Export Controls

(1) Atomic Energy Act

The Atomic Energy Act of 1946²⁸ was the first statutory law to establish a control system to regulate the export and import of any fissionable materials and technical data. The Atomic Energy Act of 1946 was amended entirely by the Atomic Energy Act of 1954,²⁹ which has also been amended many times since 1954. The Atomic Energy Act authorized the Nuclear Regulatory Commission (NRC) and the Department of Energy (DOE) to control the exports of nuclear equipment and technology, such as nuclear reactors and plants for producing nuclear materials. Some nuclear materials that can be used for civilian purposes and on the “Nuclear Referral List” are under the jurisdiction of the Commerce Department.³⁰

(2) Treaty on the Non-Proliferation of Nuclear Weapons

On July 1, 1968, the United States and the former Soviet Union, with some other nations, concluded the Treaty on the Non-Proliferation of Nuclear Weapons³¹ (which has been open for signature since then) in order to prevent the nuclear proliferation. As of 2000, a total of 187 parties have joined the Treaty, including the five nuclear-weapon States.³² More countries have

²⁸ Ch. 724, 60 Stat. 755 (1946), (formerly codified as amended at 42 U.S.C. §§ 1801-1819).

²⁹ Also called McMahon Atomic Energy Act (Aug. 30, 1954, 68 Stat. 919), codified as amended at 42 U.S.C. §§ 2011 et seq. (1988 & Supp. III 1991).

³⁰ 10 C.F.R. § 110 (2005).

³¹ Atomic Energy Act of 1954 (AEA), Ch. 1073, 68 Stat. 715 (1954), codified as 42 U.S.C. §§ 2011-2297 (2005).

³² The number of joined parties is from the United Nations Website at <http://www.un.org/Depts/dda/WMD/treaty/>.

ratified the NPT than any other arms limitation and disarmament agreement. This is a testament to the Treaty's significance. In 1970, this treaty became in force for the United States when the Congress ratified the Treaty.

(3) Nuclear Non-Proliferation Act of 1978

The Nuclear Non-Proliferation Act (NNPA) of 1978³³ is one of the most important acts that amended the Atomic Energy Act of 1954 in a number of significant ways with respect to U.S. nuclear cooperation and non-proliferation with foreign countries.³⁴ In addition to tightening U.S. nuclear export control with stricter criteria, the NNPA also requires any U.S. corporations or citizens who directly or indirectly engage in the production of special nuclear material outside the United States to be authorized by the Secretary of Energy.³⁵

1.4 Export Controls on Terrorists-Supporting or Embargoed Countries

Besides the above listed federal statutes targeted on the exports of due-used goods, weapons, and nuclear equipments and materials, the U.S. export control system also included the statutes controlling the trading with specific terrorists-supporting or embargoed countries. The following are a list of major federal statutes in this area.

(1) Cuban Democracy Act of 1992 and Cuban Liberty and Democratic Solidarity Act of 1996

The Cuban Democracy Act of 1992 sets a general policy that would denies export license of nearly all goods to be shipped to Cuba except the shipping of medical items and other humanitarian items that may be approved based on case-by case review.³⁶ In addition, Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 imposes economic embargo on Cuba including all restrictions on trade or transactions with, and travel to or from

³³ Pub. L. 95-242, 92 Stat. 120 (1978) (codified as amended at 22 U.S.C. §§ 3201 et seq.; 42 U.S.C. §§ 2074 et seq.; 22 U.S.C. § 3282 (1988)).

³⁴ Carlton E. Thorne, *Nuclear Non-Proliferation Considerations and the SNEC Process*, in *Coping with U.S. Export Controls 1989*, 313, 313 (New York, N.Y.: Practising Law Institute, 1989).

³⁵ John M. Rooney, the U.S. Department of Energy's Role in Export Control and Nuclear Nonproliferation, in *Coping With U.S. Export Controls 1990*, 303, 304-06 (New York, N.Y.: Practising Law Institute, 1990).

³⁶ Cuban Democracy Act of 1992 (Pub. L. No. 102-484, Div. A, Title XVII, Oct. 23, 1992, 106 Stat. 2575), codified at 22 USC §§ 6001 to 6010 (2005).

Cuba, and all restrictions on transactions in property in which Cuba or nationals of Cuba have an interest.³⁷

(2) Statues Related Embargos on Iran, Iraq, Libya, and Syria

Congress has at least enacted the following laws to impose economic embargo and export controls on Iran. Iraq Sanctions Act of 1990,³⁸ Iran-Iraq Arms Nonproliferation Act of 1992,³⁹ Iran and Libya Sanctions Act (ILSA) of 1996,⁴⁰ Iran Nonproliferation Act of 2000,⁴¹ Iran Nuclear Proliferation Prevention Act of 2002,⁴² and Syria Accountability and Lebanese Sovereignty Restoration Act of 2003.⁴³ Since Congress enacted the Iraq and Afghanistan Reconstruction and International Assistance Act of 2003,⁴⁴ many restrictions on exports to Iraq and Afghanistan have been eased.

(3) Tiananmen Square Sanctions

On February 16, 1990, Congress enacted the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991.⁴⁵ Title IX of this law, Congress condemned the Chinese regime brutally crackdown the Chinese peaceful demonstrators in June 1989 and asked the president of the United States to (1) suspend all exports of items on the United States Munitions List, including arms and defense related equipment to China; (2) oppose the further liberalization of the guidelines of the CoCom regarding trade with China; (3) take no further action to implement the agreement for cooperation between the United States and China relating to the uses of nuclear energy, thereby foreclosing the issuance of new licenses; and (4) suspend the license for the export of any United States manufactured satellites for launch on launch vehicles owned by China, including the two Aussat satellites and the Asiasat satellite.⁴⁶

³⁷ Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (also called Helms-Burton Act) (Pub. L. No. 104-114, Mar. 12, 1996, 110 Stat. 785), codified at 22 USC §§ 1643l, 1643m, 6021 to 6024, 6031 to 6046, 6061 to 6067, 6081 to 6085, 6091 (2005).

³⁸ Pub. L. No. 101-513, Title V, §§ 586, 586a to 586j, 104 Stat. 2047 (1990).

³⁹ Pub. L. No. 102-484, Div. A, Title XVI, 106 Stat. 2571 (1992).

⁴⁰ Pub. L. No. 104-172, 110 Stat. 1541 (1996).

⁴¹ Pub. L. No. 106-178, 114 Stat. 38 (2000).

⁴² Pub. L. No. 107-228, Div. B, Title XIII, Subtitle D (§§ 1341 to 1345), 116 Stat. 1451 (2002).

⁴³ Pub. L. No. 108-175, 117 Stat. 2482 (2003).

⁴⁴ Pub. L. No. 108-106, Title II, 117 Stat. 1222 (2003).

⁴⁵ Pub. L. No. 101-246, 104 Stat. 15 (1990).

⁴⁶ Pub. L. No. 101-246, § 901, 104 Stat. 15, 901 (1990).

2. Congressional Committees

There are two major congressional committees having jurisdiction over export controls. They are:

(1) The House Committee on International Relations (used to be called the House Committee on Foreign Affairs) oversees the affairs regarding export controls, including nonproliferation of nuclear technology and nuclear hardware. Its website is at http://wwwc.house.gov/international_relations/. The Subcommittee on International Terrorism and Non-proliferation (used to be called the Subcommittee on Economic Policy, Trade and Environment) is the specific subordinate committee in charge of measures and legislation pertaining to export controls. The subcommittee chairman is Rep. Edward R. Royce (Republican from California) as of January 2006. Its website is at http://wwwc.house.gov/international_relations/itnhear.htm.

(2) The Subcommittee on International Trade and Finance under the Senate Committee on Banking, Housing, and Urban Affairs is the specific subordinate committee in charge of export controls. Its website is at <http://banking.senate.gov/>.

3. ADMINISTRATIVE REGULATIONS

3.1 Dual-Use Goods Export Controls -- Export Administration Regulations (EAR)

The EAA authorized the Department of Commerce to create a set of regulations to implement the export control law. The popular name for these regulations is the Export Administration Regulations or EAR in short. The current EAR were rewritten in 1996 and are codified as 15 C.F.R. §§ 730-799 (2005) (approximately 700 page long).⁴⁷ The GPO created and maintains a website for EAR at <http://www.access.gpo.gov/bis/index.html>, which includes all the relevant C.F.R. sections and the rules published in Federal Register affecting the EAR. The EAR regulates not only the exports of dual-use goods, software, and technology from the U.S. but also the re-exports of U.S.-origin items from other countries, sales of foreign made products containing U.S.-origin components or derived from U.S.-origin technology, and disclosure of U.S.-origin technology to foreign nationals.⁴⁸

⁴⁷ 61 Fed. Reg. 12734 (Mar. 25, 1996).

⁴⁸ Eric L. Hirschhorn, *the Export Control and Embargo Handbook* 6 (New York: Oceana Publications, Inc., 2nd., 2005). See also 15 C.F.R. § 730.1 (2005).

3.2 Defense Articles and Services Export Controls -- International Traffic in Arms Regulations (ITAR)

Under the AECA, the Department of State exercised the authority on the president's behalf by promulgating a set of rules to control munitions and defense services exports.⁴⁹ The popular name for the rules is *International Traffic in Arms Regulations (ITAR)*, which are codified as 22 C.F.R. §§ 120-130 (2005) and administrated by the Directorate of Defense Trade Controls (DDTC) under the Bureau of Political-Military Affairs of the State Department.⁵⁰ The defense articles and services subjected to the export control are listed on the United States Munitions List (USML).⁵¹

3.3 Nuclear Equipments and Technology Export Controls

The federal regulations regarding the nuclear equipment and technology export controls are scattered among several titles of the C.F.R. The main regulations are listed as follows. For some nuclear equipments and technologies, if they are on the "Nuclear Referral List," they are under the jurisdiction of the Commerce Department; if they appear on the U.S. Munitions List, they are under the jurisdiction of the State Department.⁵² Exporting all other nuclear equipment is under the Nuclear Regulatory Commission (NRC) while exporting nuclear technology is under the Energy Department.⁵³

- TITLE 10--Energy Chapter I--Nuclear Regulatory Commission Part 110--Export and Import of Nuclear Equipment and Material § 110, 10 C.F.R. §§ 110 et seq (2005);
- TITLE 32--National Defense Chapter I--Office of The Secretary of Defense Part 223--Department of Defense Unclassified Controlled Nuclear Information (Dod Ucn), 32 C.F.R. §§ 223 et seq (1993);
- TITLE 10-- Chapter I--Nuclear Regulatory Commission Part 170-- Fees For Facilities, Materials, Import And Export Licenses, And Other Regulatory Services Under The Atomic Energy Act Of 1954, As Amended, 10 C.F.R. § 170 (2005);

⁴⁹ 22 U.S.C. §§ 2778-2994 (2005).

⁵⁰ 22 C.F.R. § 120.1 (2005).

⁵¹ 22 D.F.R. § 121.1 (2005).

⁵² Eric L. Hirschhorn, *the Export Control and Embargo Handbook* 251 (2005).

⁵³ *Id.*

- TITLE 10--Chapter I--Nuclear Regulatory Commission Part 75--Safeguards On Nuclear Material--Implementation Of US/IAEA Agreement, 10 C.F.R. § 75 (2005);
- TITLE 10--Chapter I--Nuclear Regulatory Commission Part 10--Interpretations, 10 C.F.R. § 8 (2005).

4. Presidential Executive Orders or Proclamations

The presidents have often spoken out on export controls because the export control laws authorize them to regulate the export controls. As indicated above, almost every year since 1990, the presidents have issued the executive orders entitled Continuation of Emergency Regarding Export Control Regulations to keep Export Administration Act effective. The presidents also issued other executive orders to implement export control laws. For example, on November 16, 1990, the former President Bush released an executive order, which was entitled “Chemical and Biological Weapons Proliferation,” to initiate multilateral coordination on chemical and biological weapons non-proliferation, and to impose severe sanctions against foreign citizens or foreign countries with respect to chemical and biological weapons proliferation.⁵⁴

Looking for the current presidential executive orders or proclamations on export controls, one can go to the *Federal Register* or *Weekly Compilation of Presidential Documents*, which has a table of contents for each issue, and separate cumulative indexes published quarterly, semiannually and annually. The subject term of “export controls” is indexed under “Commerce, international”. Both of *Federal Register* or *Weekly Compilation of Presidential Documents* are freely available on GPO’s website at <http://www.gpoaccess.gov/executive.html#presidential>. Presidential executive orders and proclamations can also be retrieved from WESTLAW’s President Documents database (PRES) or LEXIS’ GENFED library/PRESDC file (the presidential documents in LEXIS are from January 1981 to present only).

5. Governmental Commissions or Advisory Groups

5.1 Export Administration Review Board

⁵⁴ Exec. Order No. 12735, 3 C.F.R. 313 (1990), reprinted as amended in 50 U.S.C. §§ 1701, et seq (1988 & Supp III 1991).

To resolve any possible interagency disputes, the Export Administration Review Board was established by Executive Order No. 11533 of June 4, 1970 issued by former President Carter, and subsequently continued by several other presidents. The board consists of the cabinet-level secretaries and the heads of other government offices including the Secretary of State, the Secretary of Defense, the Secretary of Energy, and the Director of the Arms Control and Disarmament Agency. The Chairman of the Joint Chiefs of Staff and the Director of the Central Intelligence Agency also serve as nonvoting members of the board. The board also considers export licensing policies, and actions, and advises the Secretary of Commerce on export licensing.⁵⁵

5.2 President's Export Council

This council advises the president on all aspects of export trade including export controls, as well as promotion and expansion. The committee in charge of export controls is called Subcommittee on Export Administration which is separately chartered and administered by the Bureau of Industry and Security at the Department of Commerce. The website of the council is located at <http://www.ita.doc.gov/td/pec/index.html>. Some of its recommendation letters regarding the export control issues and regulations can be found at its website.

The twenty-eight private-sector members of the Council are appointed by the president. They serve, "at the pleasure of the president," with no set term of office. As of 2006, Five United States Senators and five members of the House of Representatives are appointed to the Council by the President of the Senate and the Speaker of the House, respectively. The Secretaries of Commerce, Labor, Agriculture, Treasury, State, and Homeland Security; the Chairman of the Export-Import Bank of the United States; the U.S. Trade Representative; and the Administrator of the Small Business Administration are also members of the Council.

6. Federal Agencies and Their Responsibilities

The export control laws described above have authorized the following federal agencies to implement these laws and impose the penalties on violators. To effectively enforce the export controls, the involved federal agencies also need to coordinate cohesively.

⁵⁵ Exe. Order No. 12981, 60 Fed. Reg. 62981-62984 (Dec. 8, 1995).

6.1 Department of Commerce: Bureau of Industry and Security

Under the 1985 Export Administration Amendment Act, the dual-use goods exports are controlled by Bureau of Industry and Security (BIS) [formerly the Bureau of Export Administration (BXA)] under the Department of Commerce. The primary responsibilities of the BXA are to establish and maintain the Commodity Control List (CCL), classify the Country Groups for export controlled destinations, and review and issue the validated licenses upon individual exporters' requests. Its website is located at <http://www.bis.doc.gov/>.

6.2 Departments of States: Directorate of Defense Trade Controls

According to the Arms Export Control Act (AECA) (codified in 22 U.S.C. §§ 2778-2780) and the International Traffic in Arms Regulations (ITAR) (22 CFR Parts 120-130), the Directorate of Defense Trade Controls (DDTC), the Bureau of Political-Military Affairs of the Department of States, is in charge of controlling the export and temporary import of defense articles and defense services covered by the United States Munitions List. It has among its primary missions (a) taking final action on license applications for defense trade exports and (b) handling matters related to defense trade compliance, enforcement, and reporting. Its website is located at <http://www.pmdtc.org/>.

6.3 Department of Defense: Defense Threat Reduction Agency

The Defense Threat Reduction Agency was created by as an agency under the Department of Defense on October 1, 1998.⁵⁶ Its mission is to safeguard America and its allies from Weapons of Mass Destruction (chemical, biological, radiological, nuclear, and high explosives) by providing capabilities to reduce, eliminate, and counter the threat, and mitigate its effects. It is responsible for the development and implementation of policies on international transfers of defense-related technology, and it also reviews certain dual-use export license applications referred by the Department of Commerce. Its website is at <http://www.dtra.mil/index.cfm>.

⁵⁶ Joseph P. Harahan & Robert J. Bennett, *Creating the Defense Threat Reduction Agency* 17-18 (2002).

6.4 Department of Energy: Office of Export Control Policy and Cooperation

The Office of Export Control Policy and Cooperation is an office of the National Nuclear Security Administration (NNSA). The NNSA was established by Congress in 2000 and is a semi-autonomous agency within the U.S. Department of Energy responsible for enhancing national security through the military application of nuclear energy. NNSA maintains and enhances the safety, security, reliability and performance of the U.S. nuclear weapons stockpile without nuclear testing; works to reduce global danger from weapons of mass destruction; provides the U.S. Navy with safe and effective nuclear propulsion; and responds to nuclear and radiological emergencies in the U.S. and abroad. The website of the NNSA is located at <http://www.nnsa.doe.gov/index.htm>.

6.5 Department of the Treasury: Office of Foreign Assets Control

The Office of Foreign Assets Control (“OFAC”) of the U.S. Department of the Treasury administers and enforces economic and trade sanctions based on U.S. foreign policy and national security goals against targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction. OFAC acts under Presidential wartime and national emergency powers, as well as authority granted by specific legislation, to impose sanctions on transactions and freeze foreign assets under U.S. jurisdiction. Many of the sanctions are based on the United Nations and other international mandates, are multilateral in scope, and involve close cooperation with allied governments. The website of the OFAC is at <http://www.treas.gov/offices/enforcement/ofac/>, which provides information on these sanctions as well as the complete list of Specially Designated Nationals and Blocked Persons (the “SDN list”).

6.6 Nuclear Regulatory Commission: Export Controls and International Organizations Section

The Nuclear Regulatory Commission (NRC) is an autonomous agency not a part of the Executive Branch. The Export Controls and International Organizations Section is responsible for planning, developing, and implementing regulatory cooperation programs with international organizations. The Section licenses the exports and imports of nuclear equipment and material after interagency review with the Departments of Energy, State, Defense, and Commerce and the Arms Control and

Disarmament Agency. It also participates in international nuclear safeguard activities, recommends policies, and coordinates NRC efforts with Executive Branch agencies and other entities. The Website of the NRC is located at <http://www.nrc.gov/>.

6.7 Department of Homeland Security: U.S. Customs and Border Protection

U.S. customs officials have the authority to check any exporting cargos against their export license at the borders to make sure the exports complied with the export control laws. For more information about the responsibilities of U.S. Customs and Border Protection, check out its website at <http://www.cbp.gov/xp/cgov/export/>.

7. PRINCIPAL CASES

Due to the judicial review provisions of the Administrative Procedure Act under which the Commerce Department can be exempted from judicial review for its administrative decisions on export controls,⁵⁷ there were almost no opportunities for aggrieved exporters to obtain judicial review of the actions taken by the federal export control agencies. Therefore, there are few cases brought by aggrieved exporters to challenge the Department of Commerce in the federal courts. However, the Omnibus Trade and Competitiveness Act of 1988 amended the EAA so as to provide some limited judicial review of the sanctions imposed by federal export control agencies.⁵⁸ Thus, searching judicial opinions should not be ignored when conducting legal research on export controls. Listed below, in reverse chronological order, are six recent leading cases that dealt with different aspects of the constitutionality of the export control laws and other issues as well.

7.1 Judicial Review of Decisions Made by Export Control Agencies

(1) *U.S. v. Bozarov*, 974 F.2d 1037 (9th Cir. 1992)

⁵⁷ 5 U.S.C. §§ 701-706 (1988). See also *Moller-Butcher v. U.S. Dept. of Commerce, Bureau of Export Admin.*, 12 F.3d 249 (D.C. Cir. 1994), in which, the D.C. Circuit Court held that the Export Administration Act precluded judicial review of sanctions imposed by the U.S. Department of Commerce on an exporter.

⁵⁸ Pub. L. No. 100-418, 102 Stat. 1861 (1988).

In *Bozarov*, the court held that: (1) the Export Administration Act is lack of provision for judicial review of decisions made by the Secretary of Commerce did not render the Act violating the non-delegation doctrine of the constitution, and (2) lack of judicial review did not violate defendant's due process rights.

(2) *Dart v. U.S.*, 848 F.2d 217 (D.C. Cir. 1988)

In *Dart*, the Court of Appeals, D.C. Circuit, held that: (1) although the sanctions imposed by the Secretary of Commerce are generally precluded from judicial review, if the functions exercised by the Secretary of Commerce are not specified in Export Administration Act, such functions were subject to limited judicial review, and (2) the Secretary of Commerce's reversal of an administrative law judge's decision exceeded Secretary's authority under Export Administration Act.

(3) *Iran Air v. Kugelman*, 996 F.2d 1254 (D.C. Cir. 1993)

In 1985, Iran Air purchased two signal generators originated from the United States through a German company and shipped them to Iran without obtaining re-export license. In 1990, the Acting under Secretary of Commerce for Export Administration's found the re-exporting violated the Export Administration Act and imposed \$100,000 civil penalty on Iran Air. However, the Administrative Law Judge (ALJ) assigned to hear the case ruled that the Export Administration Act authorized sanctions only for knowing violations. Because the Office of Export Enforcement had neither alleged nor proved that Iran Air knowingly violated the law, the ALJ dismissed the charge. A federal district court upheld the argument of the Acting under Secretary of Commerce for Export Administration that the ALJ's interpretation of the Act clashed with the Department's firm position that "knowledge" is not a requirement in a civil penalty case. Iran Air appealed the case. The Court of Appeals, D.C. Circuit, held that:

...the Under Secretary may not reverse fact findings made by an ALJ, but remains the final administrative arbiter on questions of law and policy. We therefore affirm the Under Secretary's ruling that Iran Air violated the Export Administration Act, but we vacate the sanctions imposed and remand the case to the Under Secretary for a reasoned determination of the appropriate sanction consistent with the ALJ's assessment of the facts and the circumstances of Iran Air's violation.

7.2 Constitutional Issues Related to Export Control Laws

(1) *U.S. v. Soussi*, 316 F.3d 1095 (10th Cir. 2002), *certiorari denied*, 538 U.S. 971 (2003)

In *Soussi*, the defendant purchased thirty trailers for a Libya company and tried to ship the trailers to Libya via Italy without obtaining an export authorization. The defendant was convicted by jury in the United States District Court for the District of Colorado, of willfully, knowingly, and unlawfully participating in transaction involving export of goods to Libya in violation of International Emergency Economic Powers Act (IEEPA). The defendant appealed. The Court of Appeals of 10th Circuit held that: (1) defendant's conduct constituted violation of IEEPA even though trailers he shipped to Libya never reached their destination; (2) executive order and related regulations under IEEPA were not unconstitutionally vague as applied to defendant.

(2) *U.S. v. Mandel*, 914 F.2d 1215 (9th Cir. 1990)

In *Mandel*, the court held that the Commerce Secretary's decision to place item on the Commodity Control List was a political question not subject to judicial review.

(3) *U.S. v. Mechanic*, 809 F.2d 1111 (5th Cir. 1987)

In *Mechanic*, the defendants were convicted of attempting to export a microwave calibration device without a validated export license. In appeal, they raised a constitutional challenge to the regulation (15 C.F.R. § 387.3(a) (1985)) which imposed criminal sanctions on those attempting to export controlled substances by contesting the regulation exceeded the delegation of authority granted under the EAA. However, the court held that the regulation imposing criminal sanctions for attempting to violate export controls did not exceed delegation of power granted under the EAA.

7.3 Statute of Limitation

U.S. v. Hitt, 249 F.3d 1010 (D.C. Cir. 2001)

In 1994, McDonnell Douglas and Douglas Aircraft Company (jointly, "MDC") agreed to sell some machining tools made in 1960s from a closed aircraft manufacturing plant in Ohio to China National Aero-Technology Import and Export Corporation ("CATIC"). Because these machining tools

can be used to make aircraft parts, MDC applied for export licenses from the Department of Commerce. The Department of Commerce issued the export licenses for these tools with a condition that MDC must provide quarterly reports to the Department of Commerce about the location of these machine tools and how they were being used. After these tools being shipped to Shanghai, China, CATIC moved six of them to its Nanchang facility without informing MDC.

On April 4, 1995, shortly after MDC's required quarterly inspection of the CATIC facility, MDC reported to the Department of Commerce that the machine tools had been diverted to four different locations, including the Nanchang facility. The government initiated an investigation, which culminated in the indictment returned on October 19, 1999. The indictment charged Hitt, the MDC's director in China, MDC, CATIC, and two CATIC employees with conspiring to violate the laws of the United States (18 U.S.C. §371) and with aiding and abetting such a conspiracy (18 U.S.C. §2) in connection with the allegedly fraudulent acquisition of the export licenses and making false and misleading statements to the Department of Commerce after the export licenses were issued.

The United States District Court for the District of Columbia (107 F.Supp.2d 29) dismissed conspiracy count on the ground that charge was time-barred under the five-year statute of limitations. Government appealed. The Court of Appeals, Rogers, Circuit Judge, held that conspiracy on the part of American and Chinese defendants to deceive the United States into issuing export licenses for aircraft machinery tools that were subject to export controls ended with issuance of export licenses, not on a later date when tools were actually exported and delivered, and thus indictment of executive for his role was time-barred when not brought up within five years after the export occurred.

7.4 Issues Related to the Freedom of Information Act

(1) *Lessner v. U.S. Dept. of Commerce*, 827 F.2d 1333 (9th Cir. 1987)

In *Lessner*, the plaintiff challenged the Department of Commerce's refusal to supply him, upon his Freedom of Information Act request, with names of businesses and individuals granted licenses to export to the Soviet Union. The Court of Appeals held that such information constituted "information obtained for the purpose of consideration of, or concerning, license application" under the EAA, and thus, was exempt from disclosure under the Freedom of Information Act.

(2) *U.S. v. Posey*, 864 F.2d 1487 (9th Cir. 1989)

In *Posey*, the defendant is in the business of selling technical data relating to military and commercial aircraft to contractors located both in the United States and abroad. The information he sells is unclassified, and he generally obtains it from the government through requests under the Freedom of Information Act. In 1985, the FBI became aware that appellant was arranging sales of technical data to purchasers in South Africa. The government obtained a wiretap order from the Foreign Intelligence Surveillance Court upon a finding that the defendant was an “agent of a foreign power”. The wiretap confirmed that the defendant was arranging to ship military technology manuals to South Africa. In early 1987, the defendant was arrested after an associate was caught with aircraft manuals at the airport, boarding a flight to Argentina en route to South Africa. The defendant was charged with violation of export control law and was convicted.

The defendant appealed to his conviction of a violation of the Comprehensive Anti-Apartheid Act (CAAA) and the Arms Export Control Act (AECA). One of the defendant arguments is that the First Amendment bars the government from restricting the export of information that is already available to the public. He insists that the data he sent abroad was available under the Freedom of Information Act, and therefore could be legally obtained by virtually anyone in the world. He contends that the First Amendment prohibits the application of the AECA and CAAA to the export of such publicly available information. Therefore, under the First Amendment, he should not be convicted of all the charges. However, the Court of Appeals affirmed the conviction and held that the First Amendment did not bar defendant's conviction for exporting non-classified technical munitions information available to public under either AECA or CAAA.

7.4 Conviction Requirements under the Export Control Law

U.S. v. Gregg, 829 F.2d 1430 (8th Cir. Mo. 1987), *certiorari denied*, 486 U.S. 1022 (1988)

In *Gregg*, the defendant tried to export night vision goggles usable for military purposes and military aircraft communication radios component parts of a missile system without applied for State Department license. He was charged and convicted by the United States District Court for the Western District of Missouri. The 8th Circuit Court held the Conviction of defendant's

violation of export control law meets the prerequisites set under 50 U.S.C.S. app. §2410, which requires proof of (1) willfulness; (2) violation of the EAA of 1979 or a regulation issued there under; (3) and knowledge that the exports involved will be used for the benefit of, or that the destination or intended destination of the goods or technology involved is, any controlled country or any country to which exports are controlled for foreign policy purposes.

8. EDUCATIONAL PROGRAMS WITH DEGREES

8.1 The Center for International Trade and Security at the University of Georgia

The University of Georgia established the Center for East-West Trade Policy to monitor and evaluate U.S. and Western alliance policies governing East-West trade, particularly the role of governments, export controls, and technology transfer. In 1995, the center was renamed the Center for International Trade and Security. The Center routinely held conferences on trade and security, nonproliferation of WMD, and terrorism issues. The center also offers graduate programs in export controls and nonproliferation. The center publishes various reports on the topic and Export Control Newsletter, which is a monthly digest of export control-related news and developments throughout the world. Many of these publications can be found at its website. The center's address and phone are 204 Baldwin Hall, Athens, GA 30602, 706-542-2985, and website: <http://www.uga.edu/cits/>.

8.2 The Center for Nonproliferation Studies

The Center for Nonproliferation Studies (CNS) was established at the Monterey Institute of International Studies (at <http://www.miis.edu>) in 1989 to combat the spread of WMD by training the next generation of nonproliferation specialists and disseminating timely information and analysis. CNS is the largest nongovernmental organization in the United States devoted exclusively to research and training on nonproliferation issues. Today, CNS has a full-time staff of more than 40 specialists and over 50 graduate student research assistants located in offices in Monterey, Washington, DC, and Almaty, Kazakhstan. CNS is organized into five research programs: the Chemical and Biological Weapons Nonproliferation Program, the East Asia Nonproliferation Program, the International Organization and Nonproliferation Program, the Newly Independent States Nonproliferation Program, and the WMD Terrorism Research Program. Each program supports the Center's mission by training graduate students, building a worldwide community of nonproliferation experts, publishing both on-line

and print resources on all aspects of WMD, providing background material to the media, and creating seminars and on-line tutorials to be used by high school and college instructors and the general public. In conjunction with the Masters in International Policy Studies Program of the Monterey Institute, CNS offers a Certificate in Nonproliferation Studies and internship opportunities in international organizations that expand the career possibilities and interests of Institute students. The center's address information is 460 Pierce Street, Monterey, CA 93940, USA, Telephone: (831) 647-4154; Fax: (831) 647-3519 E-mail: cns@miis.edu; and Web: <http://cns.miis.edu>.

9. Seminars and Programs

Since the export controls are highly regulated by the administrative agency and the regulations are very complex, a novice who wants to gain a general background in export controls, should: 1) attend the Export Administration Seminars and Workshops explaining the Regulations offered by the Bureau of Industry and Security and its Regional Offices; 2) start with some popular works in this area. The major seminars and educational programs are listed as follows.

9.1 Coping with U.S. Export Controls Program

Practicing Law Institute has organized this annual program since 1984. It is usually held in Washington, D.C. This in-depth educational program is presented by experts including the BIS's officers and export control practitioners. To obtain the program schedule, contact the Practicing Law Institute (810 Seventh Avenue New York, N.Y. 10019, Phone: (800) 260-4PLI, Fax: (800) 321-0093), website: <http://www.pli.edu/>. Practicing Law Institute has also published the course handbooks for this program since 1984. The articles of the handbooks are available on Westlaw.

9.2 Export Control of Equipment, Technology and Services

The Federal Publications Seminars, a Thomson West business, is a leading provider of practical courses and materials for contract professionals. It also offers the seminar of Export Control of Equipment, Technology and Services twice a year in Washington DC and Las Vegas. The focus of this seminar is on practical solutions to the complex problems and procedures involved in export licensing. The seminar covers:

- The legal framework- Statutes and regulations; their magnitude, requirements and daily impact.
- Preparation-What to do up front to prevent violations of the export regulations and resultant penalties.
- Licensing procedures-A step-by-step guide for obtaining export licenses; understanding the agencies that administer the regulations; what questions to ask and when.
- License denials-How to appeal successfully.
- Enforcement procedures-Prosecution and available defenses.
- Special problems-Proliferation controls; technical data; computer hardware/software; proposals; foreign trade shows; restricted countries; emergency situations; plant visits by non-U.S. nationals; joint ventures.

The seminar offers 9.9 CLE and 9.0 CPE hours for participants and charges \$895 fees per person. For more information, please check its website out at <http://www.fedpubseminars.com/seminar/eciic.html>.

9.3 Society for International Affairs, Inc. (SIA)

The Society for International Affairs, Inc. is a voluntary, non-profit, educational organization that was jointly formed in 1967 by U.S. Government and manufacturers. Its mission is to educate the international trade community on all aspects of technology transfer by providing a forum for the exchange of information on the export and import process. The SIA interests cover the entire spectrum of licensing issues pertaining to the Department of Commerce, Defense, State, and Treasury. The SIA holds conferences and training seminars on export control law compliance several times each year. For the information about these conferences and seminars, check the website of the SIA at <http://www.siaed.org/>. It also publishes a quarterly newsletter called the SIA Newsletter. Some of the back issues can be viewed at its website (<http://www.siaed.org/en/cms/?15>).

9.4 Law School Course: U.S. Export Control Law and Regulation

Professor Calabrese at George Washington School of Law offers this course, in which the students will study U.S. laws and regulations that govern the export of defense products and dual-use civilian technologies and examine international export control treaties and case studies. The students will also participate in team exercises involving export transactions.

9.5 BIS Export Control Seminar Programs

The Exporter Counseling Division of the BXA, the former title of BIS, used to offer a one-day introductory export administration seminar every two weeks in Washington D.C. and a few major cities in the U.S. Today, the BIS offers more of export control seminars. Such seminars are not only offered in Washington D.C. but in almost all major cities in the U.S. These seminar programs are listed as follows:

Complying with U.S. Export Controls: This two-day program provides an in-depth examination of the Export Administration Regulations. The program will cover the information exporters need to know to comply with U.S. export control requirements on commercial goods by focusing on what items and activities are subject to the EAR; steps to take to determine the export licensing requirements for your item; how to determine the Export Control Classification Number (ECCN); when you can export or re-export without applying for a license; export clearance procedures and record keeping requirements; Export Management System (EMS) concepts; and real life examples in applying this information.

Intermediate Deemed Export: This half-day program is for exporters who have basic knowledge of the EAR and have a solid understanding of how to apply the regulations and to classify technology properly. This highly intensive program will integrate practical exercises and presentations about the appropriate sequence of analysis in assessing deemed export licensing requirements.

Essentials of Export Controls: This is an intensive, one-day program that covers the key information on how to comply with the EAR the major elements of the U.S. export control system for commercial exports.

Technology Controls: This full-day program will offer a comprehensive look at how to comply with the U.S. export and re-export controls relating to technology, software, and encryption, including what is considered an export or re-export of technology or software; what technology and software is subject to the EAR; how to determine the ECCN; what license exceptions are available; and the unique application requirements of technology and software. BIS technical and policy specialists will also discuss important export control issues that may arise in the employment of foreign nationals and for foreign items incorporating, or produced from, controlled U.S.-origin software and technology. The afternoon will focus on the latest

developments in encryption controls and the unique provisions related to encryption under the EAR.

How to Classify Your Item: This half-day workshop will provide a detailed look at the step-by-step process for determining the appropriate ECCN to avoid pitfalls that may lead to inaccurate classifications. This hands-on workshop is ideal for those with technical backgrounds.

How To Develop an Export Management and Compliance

Program: This program provides participants who have a basic knowledge of export controls with information on how to develop an Export Management and Compliance Program (EMCP), which is a written set of company guidelines and institutionalized procedures to be used to ensure employees know their export control responsibilities, that the right procedures are being followed, and that the right questions are being asked to safeguard against exports being made that are contrary to the EAR and U.S. national security interests.

Export Compliance for Forwarders: These full-day and half-day workshops are ideal for freight forwarders, carriers, and others in the transportation industry who need to learn their responsibilities under the EAR and the Foreign Trade Statistics Regulations. Regulatory specialists from BIS will review the major elements of the U.S. export control system for commercial/dual use exports and provide you with information on your responsibilities and liabilities in export transactions.

Exploring the EAR: This half-day program has been specially designed for exporters who have had at least three years of commerce export licensing experience and would like to further their knowledge and usage of the EAR. The program will look at the regulations through the practical approach of case studies and show how to find and appropriately use those sections of the EAR that apply to export transactions.

Intermediate License Exceptions: This program is designed for exporters who have at least one year of commerce export licensing experience. The program is intended to enhance participants' understanding of the terms, provisions, applicability, and use of all License Exceptions in Part 740 of the EAR. Specific topics covered will include recent changes to License Exceptions provisions; the restrictions that govern the use of all License Exceptions; the distinction between list based and transaction based License Exceptions; and the use of Country Groups designations in determining license exception eligibility.

The detail descriptions and schedule for these seminars and workshops are available at BIS website at <http://www.bis.doc.gov/>. Time to time, the BIS also works with foreign governments to hold such seminars in foreign countries to educate local business communities about U.S. and the hosting countries' export controls, regulations and enforcement. For example, the BIS and the Ministry of Commerce of China co-hosted two such seminars in China respectively in 2000 and 2003.

9.6 Automated Services of the Bureau of Industry and Security

(1) The Simplified Network Application Process (SNAP)

SNAP is a Web-based system that enables exporters to submit export and re-export license applications, high performance computer notices, and commodity classification requests directly to BIS via the Internet in a secure environment. The URL is <http://www.bis.doc.gov/snap/index.htm>.

(2) Telephone Access/Voice Information Services

This is an automated telephone service provided by Exporter Counseling Division of the BIS to answer the most frequently asked questions. This service can be reached from a touch tone telephone in Washington D.C. at (202) 482-4811, or either one of the Regional Offices of the BIS in California at (949) 660-0144 or (408) 998-7402. The range of recorded information includes: information on obtaining Commodity Classifications; emergency handling procedures; forms or publications; regulations updates; seminar program information; and facsimile machine telephone numbers.

(3) The System for Tracking Export License Applications (STELA)

STELA is the BXA digitized voice answering service which provides exporters with timely information on the status of their applications for export license. To reach STELA, use a touch tone phone to call (202) 482-2752.⁵⁹

PART TWO: INTERNATIONAL COOPERATIONS

To prevent the countries that are hostile to the United States or potential adversaries from possessing due-use technologies, weapons of mass

⁵⁹ See also <http://www.bis.doc.gov/Licensing/STELA4U.htm> (last visited Oct. 30, 2007).

destruction, and missile technologies from other industrialized countries, the United States, after the World War II, has worked with its allies to create several international regimes to control the transfer of these technologies and weapons. Furthermore, to reduce the arm race and prevent WMD technologies from being proliferated, the United States also negotiated with the former Soviet Union and other nuclear-power countries to enter several international treaties. The major international treaties and export control and nonproliferation organizations are discussed as follows. In addition to these inter-governmental efforts and diplomacies, some international non-governmental organizations have made tremendous efforts to stop WMD proliferation. Most of the following information was gathered by searching the Internet and compiled from the websites listed below.

1. International Treaties

Between 1950s and 1990s, several multinational treaties to prevent the use and proliferation of nuclear, chemical, biological weapons, and related technologies were negotiated and reached and has been opened for states to join. These treaties have become the core source of international law on the export control and nonproliferation of WMD.

1.1 IAEA and Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

In December 1953, U.S. President Eisenhower in his “Atoms for Peace” proposal, presented to the eighth session of the United Nations General Assembly, and urged that an international organization be established to disseminate peaceful nuclear technology, while guarding against development of weapons capabilities in additional countries.⁶⁰ Based on the proposal, in 1957, the UN established the International Atomic Energy Agency (IAEA) within the UN family and authorized IAEA with the dual responsibility of promotion and control of nuclear technology.⁶¹ The main mission of IAEA is to promote the safeguard and verification of nuclear materials and activities. The IAEA Statute was created to guide its missions and work. For more information about IAEA and the full-text of the IAEA Statute can be accessed at its website at <http://www.iaea.org>.

Within the framework of the UN, a treaty on nuclear non-proliferation was addressed and negotiated between 1957 and 1968. By 1968 final

⁶⁰ David Fisher, *the First Forty Years: History of the International Atomic Energy Agency* 10 (1997).

⁶¹ *Id.* at 143.

agreement had been reached on the Treaty on the Non-proliferation of Nuclear Weapons (NPT), which enable the international cooperation for the peaceful use of nuclear energy and further the goal of achieving nuclear disarmament. By 1970, the treaty became effective and open for signature. Currently, there are 187 countries joined the treaty and the NPT one of the most popular international treaties. The Treaty establishes a safeguard system under the responsibility of IAEA. The NPT requires its nuclear-weapon states not to transfer their nuclear weapons and technologies to any other states and its non-nuclear-weapon state parties to put in place safeguards on all their nuclear activities.⁶² The NPT also authorizes IAEA to verify that NPT parties are complying with their safeguards obligations.⁶³ These safeguards include international inspections that help deter the use of nuclear material for nuclear explosive purposes.

1.2 IAEA Additional Protocol

After the secret nuclear weapons programs of Iraq and North Korea were exposed, the IAEA began an effort in 1993 to better constrain NPT member-states' ability to illicitly pursue nuclear weapons. In 1997, the effort resulted in the Model Protocol Additions to the Agreement(s) between State(s) and the IAEA for the Application of Safeguards,⁶⁴ designed to strengthen and expand existing IAEA safeguards for verifying that non-nuclear-weapon states-parties to the NPT only use nuclear materials and facilities for peaceful purposes. The protocol asks the party nations of the NPT to voluntarily ratify the protocol. For the ratification status of the protocol, check out this website:
http://www.iaea.org/OurWork/SV/Safeguards/sg_protocol.html.

1.3 The Biological and Toxin Weapons Convention (BTWC)

On April 10, 1972, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction was reached and opened for signature. This convention supplements the 1925 Geneva Protocol, the Biological Weapons Convention, the first multilateral disarmament treaty

⁶² Articles I and II of the NPT. The full-text of the NPT is available at <http://www.iaea.org/Publications/Documents/Infcircs/Others/infirc140.pdf> (last visited Oct. 30, 2007).

⁶³ Article III of the NPT.

⁶⁴ The full-text of the protocol is available at <http://www.iaea.org/Publications/Documents/Infcircs/1998/infirc540corrected.pdf> (last visited Oct. 30, 2007).

banning the production and use of an entire category of weapons. The BTWC entered into force on March 26, 1975. Under its provisions, parties are obligated not to develop, produce, stockpile, or acquire biological weapons or agents or toxins of types or quantities that have no peaceful or protective purposes. As of February 2006, the BTWC had 145 states parties and 18 signatories. However, the absence of any formal verification regime to monitor compliance has limited the effectiveness of the Convention. To mitigate this shortcoming, Article XII of the BTWC stipulates that a Conference should be held for the purpose of reviewing the operation of the Convention and to ensure that its provisions and purposes are being upheld. The Review Conferences convene in Geneva, Switzerland, at the request and support of a majority of states parties. Under Article XII, the first such Conference was to take place five years after the entry into force of the Convention. The most recent conference (the Fifth Review Conference) was held on December 7, 2001 and November 11–22, 2002.

In 2003, the Canadian government created the Biological and Toxin Weapons Convention website, at <http://www.opbw.org>, to strengthen the awareness and compliance of the BTWC. Currently, this website is maintained by the Department of Peace Studies of the University of Bradford. This website provides comprehensive, objective, and up-to-date information about the BTWC. It includes the Convention, the status of signatory and reservations made by the Party States, the Final Declarations of the successive Review Conferences together with other documentation for the Review Conferences as well as information on the ongoing efforts to strengthen the regime. This website event lists some domestic laws of the Party States related to export control and criminal penalties on biological weapon.

1.4 Chemical Weapons Convention (CWC)

In 1992, after a decade of long negotiations within a multilateral framework, the Conference on Disarmament under the United Nations agreed to the text of the Chemical Weapons Convention (CWC), which was then adopted by the UN General Assembly at its forty-seventh session, on November 30, 1992, in its resolution entitled Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. As of February 2006, there were 175 party states to the Convention, including the United States. The Convention prohibits all development, production, acquisition, stockpiling, transfer, and use of chemical weapons. It requires each state party to destroy chemical weapons and chemical weapons production facilities it possesses, as well as any

chemical weapons it may have abandoned on the territory of another state party.

The CWC does not prohibit production, processing, consumption, or trade of related chemicals for peaceful purposes, but it does establish a verification regime to ensure such activities are consistent with the object and purpose of the treaty. The verification provisions of the CWC not only affect the military sector but also the civilian chemical industry, world-wide, through certain restrictions and obligations regarding the production, processing and consumption of chemicals that are considered relevant to chemical weapons defined by the Convention. They will be verified through a combination of reporting requirements, routine on-site inspections of declared sites and short-notice challenge inspections. The Convention also contains provisions on assistance in case a state party is attacked or threatened with attack by chemical weapons and on promoting the trade in chemicals and related equipment among States Parties.

To help American businesses to comply with the Convention, the Bureau of Industry and Security under the Commerce Department and the Bureau of International Security and Nonproliferation under the State Department created and maintains a website at <http://www.cwc.gov>. This website includes the full-text of the CWC, relevant U.S. federal regulations, and the procedures for export declaration and inspection.

2. Multilateral Nonproliferation Regimes

Besides the above international treaties, the international community also established the following organizations to coordinate nonproliferation efforts. However, there is no enforcement mechanism within the regimes. The member nations are voluntary to adhere to the nonproliferation guidelines created by these regimes based on their national export control laws.

2.1 CoCom and Wassenaar Arrangement

In 1949, the United States and its Western allies created the Coordinating Committee on Multilateral Export Controls (CoCom) as a mechanism to coordinate (1) allied export control policies, (2) the lists of controlled items, and (3) the enforcement of the controls, in order to restrict Western trade with the Soviet Union and its communist allies (later the Warsaw Pact countries). Its members are the North Atlantic Treaty Organization (NATO) nations except Iceland but including Japan and Australia. CoCom was based in Paris. Actually, CoCom was not an

international organization, but a coordinating mechanism. There was no international treaty or other agreement having been reached to govern CoCom. Measures agreed to among the members of CoCom would not have legal effect until the participating governments pass laws or regulations to implement them.⁶⁵

The Warsaw Pact lasted throughout the Cold War until 1991, following the collapse of the Soviet Union and the other communist states in Europe. Due to the end of the Cold War and economic interests, the Western European countries wanted to change the international export control policy and increase their trades with the Eastern European countries and China. In November 1993, at a meeting in Hague, the Netherlands, the CoCom members agreed to dismantle CoCom by March 31, 1994, and to replace it with a new export control regime. The new control regime would focus on arms, arms-related exports and on nuclear and missile non-proliferation, particularly to the Middle East and Southeast Asia.⁶⁶ On July 12, 1996 after five rounds of negotiations among the former members of CoCom in Wassenaar, a Dutch town near Hague, the Wassenaar Arrangement on Export Control for Conventional Arms and dual-use Goods and Technologies (WA) was established to success CoCom.⁶⁷ Today, there are forty member states for the WA. Most of them are European countries including Russia and most of the other former communist Eastern European countries. Japan and South Korea are also members of the WA. For more information about the WA, check out its website at <http://www.wassenaar.org>.

Although the purpose of WA is to contribute to regional and international security and stability, its function has been reduced from the export control coordination of the CoCom to merely the promotion of transparency and greater responsibility in transfers of conventional arms and dual-use goods and technologies. In addition, the decision to transfer or deny transfer of any item is the sole responsibility of each Participating State according to its national legislation and policies. Therefore, the effectiveness of WA as an international export control regime is quite minimal today.

⁶⁵ Cecil Hunt, *CoCom and Other International Cooperation in Export Control*, in *Coping With U.S. Export Controls 1993*, 295, 303-4 (New York, N.Y. : Practicing Law Institute, 1993).

⁶⁶ *U.S., Allies Still at Odds Over Substance of New Post - COCOM Regime*, *Official Says*, 11 Int'l Trade Rep. (BNA) 175 (Feb. 2, 1994); *Export Controls: U.S., COCOM Allies Agree to New Easing of Export Curbs on High-Speed Computers*, 11 Int'l Trade Rep. (BNA) 63 (Jan. 12, 1994).

⁶⁷ Michael Lipson, *the Reincarnation of CoCom Explaining Post-Cold War Export Controls*, the Nonproliferation Review 33 (Winter 1999).

2.2 Missile Technology Control Regime (MTCR)

The MTCR is an informal multilateral organization established in 1987 without a treaty but a political understanding among the participating countries to seek controls on the spread of goods and technologies that relate to the production or use of missiles, which can be used to deliver WMD. Currently, there are 33 participating countries, including most of European countries, Russia, Australia, Brazil, Canada, Japan, South Africa, South Korea, and the United States. Its website is at <http://www.mtcr.info/english/>.

The Regime created and maintains the MTCR Guidelines and the Equipment, Software and Technology Annex. The Guidelines define the purpose of the MTCR and provide the overall structure and rules to guide the member countries and those adhering unilaterally to the Guidelines. The Equipment, Software and Technology Annex is designed to assist in implementing export controls on MTCR Annex items, which include a broad range of equipment and technology, both military and dual-use, which are relevant to missile development, production, and operation. Partner countries exercise restraint in the consideration of all transfers of items contained in the Annex. All such transfers are considered on a case by case basis by the participating countries.

2.3 Australia Group

The Australia Group (AG) was formed in Sydney, Australia in 1985, following international concerns about the use of chemical weapons during the Iran-Iraq War to work against the proliferation of chemical and biological weapons. In its December 1992 meeting, the members agreed to impose export controls on a common list of biological organisms, toxins, and equipment.⁶⁸ The Group meets annually to discuss ways of increasing the effectiveness of participating countries' national export licensing measures to prevent would-be proliferators from obtaining materials for chemical and biological weapons programs. Participants in the Australia Group do not undertake any legally binding obligations: the effectiveness of their cooperation depends solely on a shared commitment to chemical and biological weapons non-proliferation goals and the strength of their respective national measures. Similar to the MTCR, the AG also created and maintains a nonproliferation guideline and control list for its members to follow. The

⁶⁸ *Export Controls: Clinton Sends Congress Report on Chemical Weapons Convention*, 10 Int'l Trade Rep. (BNA) 1403 (Aug. 25, 1993).

guideline and control list can be obtained from its website is at <http://www.australiagroup.net/>.

Currently the group consists of forty countries. Most of the participating countries are European countries but Russia does not participate. The other countries include Argentina, Australia, Canada, Japan, South Korea, New Zealand, Norway, and the United States. The United States strongly encourages all countries to adopt national export controls consistent with the AG standards. Especially in the aftermath of the September 11th and the subsequent anthrax bioterrorism in the United States, the U.S. has been working to strengthen the AG to address better chemical and biological weapon proliferation and terrorism.

2.4 Nuclear Suppliers Group (NSG)

The NPT of 1968 granted non-nuclear-weapon states access to nuclear materials and technology for peaceful purposes as long as they committed not to develop nuclear weapons. However, in 1974, India conducted an initial nuclear explosion to test its nuclear bomb development capability. The test alerted the NPT nuclear supplier states that nuclear technology transferred for peaceful purposes could be misused so they established the Nuclear Suppliers Group (NSG) in 1975 to restrict the exports of certain equipment and technology that can be used to manufacture nuclear weapons by providing a series of guidelines to its member states. These guidelines can be found at the NSG's website at <http://www.nuclearsuppliersgroup.org/>. The NSG Guidelines are implemented by each Participating Government according to its national laws and practices by making the decisions on export controls of nuclear technologies and equipment.

Now the NSG has 44 nations and consists of all the nations of Australia Group and some of the Eastern European nations: Bulgaria, the former Czechoslovakia, Poland, Romania, and Russia. China also joined the NSG in 2004.

2.5 International Atomic Energy Agency (IAEA)

The IAEA was founded in 1957 and currently consists of 114 member states. Its primary objectives are to ensure any assistance given by the agency is not used for military purposes, and to safeguard nuclear materials and equipment from proliferation. Under the current U.S. system of nuclear export controls, the nation receiving nuclear goods is required to accept the IAEA

safeguards on all of its peaceful nuclear activities. For more information IAEA, please see IAEA and Treaty on the NPT and IAEA Protocol discussed above.

2.6 Zangger Committee

The Zangger Committee, named after its first Chairman Prof. Claude Zangger from Switzerland also known as the “NPT Exporters Committee”, was formed following the coming into force of the NPT, to serve as the “faithful interpreter” of its Article III, paragraph 2, to harmonize the interpretation of nuclear export control policies for NPT Parties. Article III.2 of the Treaty is about “especially designed or prepared equipment or material for the processing, use or production of special fissionable material.” The Zangger Committee maintains a Trigger List (triggering safeguards as a condition of supply) of nuclear-related strategic goods to assist NPT Parties in identifying equipment and materials subject to export controls.

Today the Zangger Committee has 36 members including all the nuclear weapon States. Its Trigger List includes illustrative examples of equipment and materials judged to be within the understandings of the Committee. The Trigger List and the Zangger Committee's understandings are published by the IAEA in the INFCIRC/209 series. The Zangger Committee also published a series of publications on nuclear non-proliferation. These publications are available on its website at <http://www.zanggercommittee.org/Zangger/Publications/default.htm>.

3. EU Policy on Export Controls for Disarmament and Nonproliferation

Many EU member states possess WMD or technologies to make WMD. To prevent WMD and related technologies from going to undesired hands, the EU has established an export control system to set a uniform policy and coordinate its member states' efforts on nonproliferation. In addition to control its member states' exporting WMD and related goods, the EU also actively participated in some other international efforts to promote nonproliferation among the countries that are not EU members.

3.1 Policies

Non proliferation and disarmament, in particular when it comes to weapons of mass destruction has always been a subject of high sensitivity and political importance for the European Union as stated in the external relation website of the EU.⁶⁹ The EU general policy towards non proliferation and disarmament is: to keep a global approach, which insists on the respect, development and effective implementation of international multilateral treaties and conventions to ban or to minimize the recourse to and development of WMD.⁷⁰ In December 2003, the European Council adopted an EU strategy against WMD proliferation in December 2003.⁷¹ The EU believes a global approach renders the world safer, as long as verification mechanisms are in place, respected and applied effectively. In addition to the multilateral approach, the EU also takes some complementary protection or defensive measures like export controls to further reduce the risk of proliferation and use of WMD. The EU has developed the following specific approaches for its member states when handling non proliferation and disarmament of WMD issues.

During political dialogue with third countries, the issue is frequently raised and the EU standpoint, first discussed and agreed upon between the Member States, is recalled and explained. At EU level the proliferation risks are duly taken into account. The safeguards systems implemented within the EU, the commitments of the Member states in the different international non-proliferation regimes (Australia group, Missile Technology Control Regime, Nuclear Supplier's Group, Wassenaar, Zangger), and specific regulations, like the Council regulation setting up a Community regime for the control of exports of dual-use items and technology, are important contributions to the global non-proliferation regime.

Finally, assistance programs are designed and implemented, in particular with Russia and other Newly Independent States and North Korea, to reinforce non-proliferation or support the realization of disarmament projects. These programs are financed from different Community Budget sources and managed by the Commission.⁷²

⁶⁹ See http://ec.europa.eu/external_relations/cfsp/npd/index.htm (last visited Oct. 30, 2007).

⁷⁰ *Id.*

⁷¹ The full-text of the strategy is available at <http://trade.ec.europa.eu/doclib/html/118532.htm> (last visited Oct. 30, 2007).

⁷² *Id.*

3.2 Actions

In the frame of the EU Common Strategy in the Russian Federation, the EU Council launched a program on Non-proliferation and Disarmament in the Russian Federation in December 1999, in which the EU objective is to support the Russian Federation in its efforts towards arms control and disarmament.⁷³ The program proposes the following actions:

1. To cooperate with the Russian Federation in the latter's pursuit of a safe, secure and environmentally sound dismantlement and /or re-conversion of infrastructure and equipment linked to its WMD;
2. To provide a legal and operational framework for an enhanced European Union role in cooperative risk reduction activities in the Russian Federation through project orientated cooperation; and
3. To promote coordination as appropriate of programs and projects in this field at Community, Member State and international level.⁷⁴

3.3 Korean Peninsula Energy Development Organization (KEDO)

In October 1994, the Agreed Framework between the United States and the Democratic People's Republic of Korea (DPRK) was signed in order to avoid a nuclear non-proliferation crisis. Under the Agreed Framework, the DPRK agreed to freeze and ultimately dismantle its nuclear program, and in return, the United States agreed to finance and construct in the DPRK two light-water reactors and provide the DPRK with an alternative source of energy. To achieve these goals, Korean Peninsula Energy Development Organization (KEDO) was established on March 9, 1995, when Japan, the Republic of Korea (ROK), and the United States expressed their common desire to implement the key provisions of the Agreed Framework and signed the Agreement on the Establishment of the Korean Peninsula Energy Development Organization.⁷⁵ KEDO provides for the financing, building, and supply of a reactor project and for the supply of interim energy supplies. The EU recognizes that KEDO is a major industrial project that constitutes a vital contribution to non-proliferation, stability and rapprochement on the Korean

⁷³ The Council Joint Action of December 17, 1999 on *Establishing a European Union Cooperation Program for Non-proliferation and Disarmament in the Russian Federation* (the full-text of the join action is available at http://ec.europa.eu/external_relations/cfsp/npd/cja99.pdf) (last visited Oct. 30, 2007).

⁷⁴ *Id.* Article 1.

⁷⁵ The full-text of the agreement is available at <http://www.kedo.org/pdfs/EstablishmentKEDO.pdf> (last visited Oct. 30, 2007).

Peninsula. The EU concluded an Accession Agreement to KEDO as an Executive Board member On September 19, 1997. Unfortunately, due to the continued and extended failure of the DPRK to perform the steps that were required in the KEDO-DPRK, the Executive Board of KEDO decided on May 31, 2006 to terminate the Light Water Reactor (LWR) project. However, the KEDO will continue to exist, as necessary to settle financial and legal obligations stemming from the termination of the LWR project.⁷⁶

3.4. Dual Use Goods Export Controls

The EU understands that “dual-use” goods and technology developed for civilian uses can be used for military applications or to produce weapons so the EU recognizes the necessity of export controls (licensing) of these items. The EU requires all its member states to control export of these dual-use items. The European Court of Justice also established case law in the area of dual-use goods to legitimize the common commercial policy, as set out in Article 133 of the EC Treaty, which requires the EU member states to abide the export control rules when exporting dual-use items to third countries.⁷⁷ The EU member states also individually participate in a number of international non-proliferation regimes (the Nuclear Suppliers Group, the Missile Technology Control Regime and the Australia Group), and in the Wassenaar Arrangement (except Cyprus).⁷⁸

On June 22, 2000, the Council of EU adopted the new European Dual Use Regulation (n°1334/2000) setting up a Community regime for the control of exports of dual use items and technology, which was subsequently published in OJ L159 of 30.06.2000. The Regulation builds on the previous regime, but is now based completely on Article 133 of the EC Treaty, relating to Common Commercial Policy, which entered into force on September 28, 2000.⁷⁹ This EU regulation also harmonized the export control list of dual-use items, licensing requirements, and procedures for the export and transfer of dual-use items for all EU Member States. The member countries of the EU

⁷⁶ See <http://www.kedo.org/index.asp> (last visited Oct. 30, 2007).

⁷⁷ The ECJ delivered preliminary rulings in the case of “Werner” (Case C-70/94) and “Leifer” (case C-83/94), see also http://ec.europa.eu/trade/issues/sectoral/industry/dualuse/legis/index_en.htm (last visited Oct. 30, 2007).

⁷⁸ See http://ec.europa.eu/trade/issues/sectoral/industry/dualuse/legis/index_en.htm (last visited Oct. 30, 2007).

⁷⁹ See http://ec.europa.eu/external_relations/cfsp/npd/index.htm (last visited Oct. 30, 2007).

regularly send their export related questions to the meetings of the EU export control working groups for review.

Besides the individual member state participating in the above stated international nonproliferation regimes, the EU Commission also involved itself with these regimes to reinforce the consistency and effectiveness of non proliferation export control measures. The Commission is a full member at the Australia Group, a permanent observer at the Nuclear Suppliers Group and the Zangger Committee, and participates in the EU Presidency Delegation in the Missile Technology Control Regime and in the Wassenaar Arrangement.

4. UK Export Control Regime: the Export Control Organization

As a major nuclear power country that also holds a lot of advanced technologies that can be used to develop WMD and WMD delivery systems, the United Kingdom (UK) has cooperated with the United States very closely on export controls and also created a sophisticated export control system. Therefore, the UK export control system deserved a bit more discussions.

4.1. Export Control Act

The current export control regime of UK is based on the UK's Export Control Act of 2002. Under the Act, trading including trafficking and brokering between overseas countries of the following goods are subject to export controlled:

- All goods contained within Schedule 1 of the Export of Goods, Transfer of Technology and Provision of Technical Assistance;
- Long range missiles and their component parts (range over 300 km);
- Certain paramilitary good whose export the Government has already banned because of evidence of their use in torture; and
- Goods on the UK Military List to any embargoed destination.

The structure of UK's Export Control Act is very similar to the U.S. export control legislation. It created several export-controlled commodities lists called UK Strategic Export Control Lists which include UK National Military List, UK National Explosive-related List, UK National Dual-use List, UK National Human Right List (goods falling under the EU Human Rights list and goods that are used for capital punishment and torture), UK National Security and Paramilitary, and UK National Radioactive List. UK exporters

can check their export products against these lists to see if they need export licenses. The full-text of the Export Control Act of 2002 is available at <http://www.berr.gov.uk/files/file8418.pdf> or <http://www.opsi.gov.uk/acts/acts2002/20020028.htm>.

4.2. Export Control Administration

The administrative agency in charge is the Export Control Organisation (ECO), which is part of the Europe and World Trade Directorate (EWT) which, in turn, is part of the Department for Business, Enterprise and Regulatory Reform (BERR) of the UK government. The chief task of the ECO is to process applications for licences to export any of the strategic goods including dual use goods that can be used for both civilian and military purposes from the UK. Due to the complexity of the export control regime, the ECO also provides the following services to facilitate the export control licensing process:

- Provides help for exporters, via a Helpline, a website, a DVD and video, and programs of seminars and workshops;
- Enforces export control compliance with the terms of “open” licences through regular company visits;
- Runs a Rating Service which advises exporters on whether or not a licence is required in a particular instance;
- Records figures about licensing applications for the Government's annual report on strategic export controls, details of which are available on the Foreign Office website;
- Takes part in the work of the international arms control regimes, updates the control lists, develops new “open general” licences and contributes to government export licensing policy;
- Works with other government departments on counter-proliferation activities; and
- Takes part in an international outreach programs to promote good export licensing practice in other countries, particularly those which have recently joined the European Union.

The contact information of the ECO is: Export Control Organisation, 3rd Floor, Kingsgate House, 66-74 Victoria Street, London SW1E 6SW, e-mail: eco.help@dti.gsi.gov.uk and the website: <http://www.dti.gov.uk/europeandtrade/strategic-export-control/index.html>.

5. Russian Export Control Regime: the Center for Export Controls

The formal Soviet Union and its successor, Russian Federation, have had a very large stockpile of WMD and has been a major exporter of nuclear equipment and missiles and related technologies. In the era of the Soviet Union, the communist government had created an export control regime to regulate the export of its nuclear and other dual-use products and technologies. The Russian Federation inherited the export control system and restructured it later. Therefore, the Russian export control system is also deserved more attention.

5.1 Export Control Legislation

After 1992, the newly-founded Russian Federation was able to quickly re-establish a new export control regime based on the old export control system existed in the Soviet Union. Since then, Russia has promulgated several legislations dealing with export controls. The most import statute is the Federal Law on Export Control promulgated on July 29, 1999, which provides the legal foundation for the Russian export control system. It establishes the framework for the state's export control policy. The law defines what export control and controlled goods are, and specifies the responsibilities of government agencies and of firms exporting goods that are subject to control. The law authorizes the Russian President to define basic guidelines of Russia's export control policy, to coordinate between various governmental agencies responsible for conducting export control, and approves lists of controlled goods and technologies. The law authorizes the Russian Prime Minister to implement export control policy including compliance with international export control regimes, to determine procedures for conducting foreign trade in controlled items, and to negotiates and signs international export control agreements on behalf of the Russian Federation. The Prime Minister also coordinates policy, implements legislation, resolves interagency disputes, and makes recommendations for improving licensing procedures and other regulations. The law established the Export Control Commission, an interagency body, which is responsible for coordinating policy, implementing legislation, resolving interagency disputes, and making recommendations for improving licensing procedures and other regulations. The full-text English translation of this law is available at <http://www.nti.org/db/nisprofs/russia/fulltext/excon/exconlaw.htm> and the full-text of this law in Russian can be found in the Russian Legislation Database at <http://law.optima.ru>.

5.2 Export Control Administrative Agency

The Russian export control law also created the Department of Export Control (DEK) under Ministry of Economic Development and Trade (MEDT) as the administrative agency to issue all licenses for exports of controlled goods, provide organizational and informational support to the Export Control Commission, coordinate with development of regulations and implementation of interagency review process, and provide information support to exporters. On March 9, 2004, a Russian presidential decree was issued that transferred the responsibilities of the Department of Export Control of the Ministry of Economic Development and Trade to a new Federal Service of Technical and Export Controls Service (FSTEC) to be established under the Ministry of Defense. Thus, the FSTEC became the major export control administrative agency in Russia. Its website is at <http://www.fstec.ru/>.

5.3 Center for Export Controls

The Center for Export Controls (CEC) is a NGO with strong connection with Russian government on export controls. Its mission is providing information, training, and consulting in support of Russian exporters whose products and/or services constitute probable precursors for the creation of WMD. The CEC offers organization and implementation of training in export controls for dual-use product exporting industry, assistance in developing internal compliance programs, and preparation, evaluation, and issuance of licensing documentation and international contracts on dual-use commodity, service, and technology exports. The founders of the CEC are : Department for International Relations, the Ministry of Nuclear Energy of Russian Federation; M.V. Khrunichev Research and Manufacturing Space Center; M.V. Keldysh Research Center; Russian League of Industrialists and Entrepreneurs; League of Assistance to Defense Industry. The CEC's activities are supported by the federal executive offices involved in the national export control system of the Russian Federation. In particular, the CEC maintains close working relationship with the following Russian Federal agencies:

- Security Council (<http://www.scrf.gov.ru/>);
- Department for Export Controls, Ministry of Economic Development and Trade (http://www.economy.gov.ru/merit/dep_dek/index_dek.htm);
- Department for Security and Disarmament, Ministry of Foreign Affairs (<http://www.mid.ru>);

- Export Control Division, Ministry of Defense (<http://www.mil.ru>);
- RF Ministry of Nuclear Energy (<http://www.minatom.ru/>);
- Russian Aerospace Agency (<http://www.rosaviakosmos.ru/>);
- RF State Customs Committee (<http://www.customs.ru/rus/index.xpml>);
- RF Committee for Military Technical Cooperation with Foreign States.

The CEC also maintains working contacts with the U.S. federal agencies and institutions and other foreign government agencies in charge of export controls. The contact information of the CEC is: Russia, 125438, Moscow, Onezhskaya, 8; Tel./fax: 7 (095) 456-23-36, e-mail: expcon@aha.ru; and website : <http://www.expcon.ru/EnglishVer/Enindex.htm>.

6. Export Control Regimes of China, Germany, Japan, India, and Pakistan

6.1 China, the People's Republic of

The Second Office of the Export Control Section of the Department of Machinery, Electrical, and High Tech Production of the Ministry of Commerce is the major Chinese administrative agency in charge of export controls. Its website (in Chinese only) is at <http://exportcontrol.mofcom.gov.cn/>. The Chinese export control laws and regulations, controlled commodity lists, export licensing procedure can be found at this website.

The Department of Disarmament and Arm Controls of the Ministry of Foreign Affairs is in charge of handling issues such as arms control, disarmament, nuclear non-proliferation, nuclear export control, and global and regional security, to implement the general and specific policies in the above-mentioned fields and to conduct diplomatic affairs related to the above-mentioned fields. Its English website is at <http://www.fmprc.gov.cn/eng/gjw/cjjk/default.htm>.

6.2 Germany, the Federal Republic

The Federal Republic of Germany is a member of numerous international treaties and export control regimes aiming at the harmonization of export control regulations and licensing policies. As a member state of the EU, Germany also follows the export control regulations and the controlled item lists created by the EU. The Federal Office of Economics and Export Control (BAFA) under the Federal Ministry of Economics and Technology

(BMWi), is responsible for the administrative implementation of the Federal Government's export control policy and the German central licensing authority working in close co-operation with other federal agencies on a complex export control system. The English website of the BAFA is at <http://www.bafa.de/bafa/en/index.html>. The export control and licensing information of Germany can be found at this website.

6.3 Japan

The Trade and Industry Security Export Control Office of the Ministry of Economy is the main Japanese administrative agency in charge of export controls. Its website is at <http://www.meti.go.jp/policy/anpo/index.html>. The Japanese legislations and some government publications on export controls can be found at this website.

The Website of the Arms Control, Disarmament and Non-Proliferation Department under the Ministry of Foreign Affairs can be found at <http://www.mofa.go.jp/policy/un/disarmament/index.html>.

The Center for Information on Security Export Control (CISTEC) is the only non-profit and non-governmental organization in Japan dealing with security export control issues comprehensively. CISTEC aims to contribute to world peace by supporting rational and effective security export control and by serving as a “linkage channel” among industry, government and academia on security export control. Its website is at <http://www.cistec.or.jp/english/cistec/introE2.html#annaie1>

6.4 India and Pakistan

On 11 May 1998, India conducted three nuclear device tests. Two days later, two more tests were conducted. Several days later on May 28, 1998, Pakistan followed suit by conducting five nuclear tests. After these tests, both countries publicly became nuclear weapon States. Before and after these nuclear bomb tests, both India and Pakistan had their own export control legislations and systems. Pakistan government released several export control regulations respectively in July 1998, February 1999, and August 1999, as well as the Export Policy and Procedures Order in November 2000. These regulations banned the export of fissile material and required a “no objection certificate” to be issued by the Pakistani Atomic Energy Commission (PAEC) for the export of nuclear substances, radioactive material, and nuclear energy-

related equipment.⁸⁰ When the controversy episode of A.Q. Khan, the Pakistan's nuclear program architect, who secretly sold Pakistan nuclear technologies to Iran and Libya, surfaced, it revealed the weakness and loophole of the Pakistan export control system.

Under the pressures of the international community, especially under the UN Security Council Resolution 1540 (2004),⁸¹ to make sure India and Pakistan commit to non-proliferation, Pakistan's national statute entitled "Export Control on Goods, Technologies, Material and Equipment Related to Nuclear and Biological Weapons and their Delivery Systems Act, 2004" entered into force on September 23, 2004 while India's "Weapons of Mass Destruction and their Delivery Systems (Prohibition of Unlawful Activities) Act, 2005" entered into force on June 6, 2005.⁸² The contents and structure of

⁸⁰ Shi-chin Lin, *The AQ Khan Revelations and Subsequent Changes to Pakistani Export Controls* (2004) (available at http://www.nti.org/e_research/e3_54a.html) (last visited October 30, 2007)). For example, the older laws and administrative regulations related export controls in Pakistan include:

Import and Export (Control) Act, 1950 (Act No. XXXIX of 1950).

Pakistan Nuclear Safety and Radiation Protection (PNSRP) Ordinance, 1984 and PNSRP Regulation, 1990.

Statutory Notification No. SRO-782 (1)/1998 prohibits export of fissionable materials.

Statutory Notification No. SRO-23 (1)/1999 prohibits the export of Anti-Personnel Landmines.

Statutory Notification No. SRO-124 (1)/1999 requires a No Objection Certificate from the Defense Ministry for export of arms, ammunitions, explosives and ingredients.

Statutory Notification No. SRO-482 (1)/2000 and SRO 111 (1)/2004. Issued by the Ministry of Commerce lays down the Export Policy Procedures.

Chemical Weapons Convention Implementation Ordinance, 2000 (Ordinance No. LIV of 2000). This law regulates and controls the import and export of chemicals in accordance with the provisions of CWC and provides for criminal penalties in case of violations.

Pakistan Nuclear Regulatory Authority Ordinance, 2001. Ordinance. Under this Ordinance, PNRA issues the required no objection certificate for import and export of any radioactive materials or radiation sources

⁸¹ Resolution 1540 calls upon all states to implement stringent export control laws on the transfer, shipment, re-transfer and trans-shipment of materials or technology that may be used in the development, manufacture, and proliferation of weapons of mass destruction.

⁸² The text of India and Pakistan's export control laws can respectively be found at <http://meaindia.nic.in/disarmament/07da01.pdf> and <http://www.iaea.org/Publications/Documents/Infocircs/2004/infocirc636.pdf> (last visited Oct. 30, 2007).

the Pakistan's and India's export control legislation are very similar. Both legislations provide broad jurisdiction and authority of the central governments over their citizens at home and abroad and foreign nationals in their territories involving dual-use goods exports and impose criminal and civil penalties on violators. These two legislations also established the relevant export licensing and oversight authorities, as well as provisions for necessary delegation of authority to officials.⁸³

The Directorate General of Foreign Trade (DGFT) under the Ministry of Commerce is the Indian official export control agency. Its website (<http://dgft.delhi.nic.in/>) does not have obvious links to Indian government's export control policy or licensing procedures. However, if you run "export control" search at its website, the documents related to export controls would be emerged. From the website of the DGFT, it can be seen that the DGFT's main role is to promote Indian foreign trade, especially exporting Indian products. The trade promotion role is kind of contradictory to the function of export controls of dual-use products and technologies.

Pakistan Nuclear Regulatory Authority is entrusted by its government with the responsibility to ensure the physical protection measures for the safety and security of nuclear material and radioactive sources. According to the Export Policy Order, 2007 (SRO 1021(I)/2007) issued by the Pakistan Ministry of Commerce, the export control license of dual-use goods is administered by the Ministry of Commerce.⁸⁴

7. Research Institutes and Advocatory Organizations

Besides the Center for International Trade and Security at the University of Georgia and the Center for Nonproliferation Studies mentioned above in Part One, the following institutes and organizations also engage in research on the issues related export control and nonproliferation of WMD. Some of the following organizations are dedicated to promote the ban of using and trading WMD and related goods and technologies.

⁸³ Ziad Haider & Souvik Saha, ANALYSIS OF INDIA AND PAKISTAN'S EXPORT CONTROL LAWS (available at <http://www.stimson.org/southasia/?SN=SA20050-713866>) (last visited Oct. 30, 2007).

⁸⁴ The Export Policy Order, 2007 (SRO 1021(I)/2007) can be found at <http://www.commerce.gov.pk/SROs/1021-08102007-EPO.pdf> (last visited Oct. 31, 2007).

7.1 Wisconsin Project on Nuclear Arms Control

The Wisconsin Project on Nuclear Arms Control was established in 1986 as a nonprofit research organization that operates in Washington, DC and under the auspices of the University of Wisconsin. The Project is funded by several private foundations. Its mission is to slow the spread of weapons of mass destruction. The Project has been investigating sales of proliferation-related technology for twenty years and has identified thousands of buyers linked to mass destruction weapon and missile proliferation. This organization publishes various publications on nuclear arms control and export controls of dual-use goods. The most important one is the RISK REPORT, a searchable database in CD-ROM format, which provides the latest unclassified intelligence on weapons of mass destruction programs worldwide and is updated every three weeks. The suspect buyers listed in this database are built by experts using the reliable sources available: government reports, manufacturers' brochures, industry databases, trade journals, and credible media reports. Some of its publications including research papers and testimonies before the U.S. Congress are freely available on its website at <http://www.wisconsinproject.org/>.

7.2 National Academies of Sciences (NAS)

The NAS has been studying U.S. export control policies since 1982 with the support of the U.S. government. In 1987, the NAS published its first comprehensive report on export controls which is entitled *Balancing the National Interest: U.S. National Security Export Controls and Global Economic Competition* (Washington, D.C. : National Academy Press, 1987).

Particularly, the NAS was requested by the Congress in the Omnibus Trade and Competitiveness Act of 1988 "to conduct a comprehensive study of the adequacy of the current export administration system in safeguarding United States' national security while maintaining United States international competitiveness and Western technological preeminence."⁸⁵ The Academies formed a special panel called the "Panel on the Future Design and Implementation of U.S. National Security Export Controls." In December 1990, the panel concluded a report which is entitled *Finding Common Ground: U.S. Export Controls in a Changed Global Environment* (Washington, D.C. : National Academy Press, 1991). Besides the technology

⁸⁵ 50 U.S.C.A. app. § 2404 Historical Note (West 1991) (Study on National Security Export Controls).

export control issues, the Academies also conducts the researches and programs on nonproliferation of WMD and issues related to international terrorism. Some of its research reports can be ordered from its website at <http://international.nationalacademies.org/gateway/international/conflict.html>.

7.3 Federation of American Scientists

The Federation of American Scientists (FAS) was formed in 1945 by atomic scientists from the Manhattan Project and is endorsed by dozens of Nobel Laureates in biology, chemistry, economics, medicine and physics as sponsors, the Federation has addressed a broad spectrum of national security issues related to nuclear technologies and carried out its mission to promote humanitarian uses of science and technology. Today, the Federation's research and education projects include nuclear arms control and global security, conventional arms transfers, proliferation of weapons of mass destruction, information technology for human health, and government information policy. For more information about the Federation, check out its website at <http://www.fas.org/main/home.jsp>.

Since 1991, the FAS has maintained the Arms Sales Monitoring Project (ASMP) for the transparency, accountability, and restraint in U.S. arms exports; promoted the elimination of taxpayer subsidies for weapons exports and the broadening the coalition of citizens working to reform arms export policy; and increased the level of pressure on policy makers to act for the public interest rather than the special interests of arms manufactures. For additional information about the ASMP, check out its website at <http://fas.org/asmp/>.

7.4 Nuclear Threat Initiative

The Nuclear Threat Initiative (NTI) was founded in January 2001 by CNN founder Ted Turner and former U.S. Senator Sam Nunn as a public charity organization. NTI's mission is to strengthen global security by reducing the risk of use and preventing the spread of nuclear, biological, and chemical weapons. NTI seeks to raise public awareness, serve as a catalyst for new thinking and take direct action to reduce these threats. In addition to Mr. Turner and Senator Nunn, NTI is guided by an experienced and international Board of Directors who share a common goal of taking action to reduce the gap between the global threats and the global response. NTI actively engaged in developing, shaping, and implementing the projects that the NTI supports financially. In addition to building global awareness, NTI is engaged in model programs to inspire private and governmental efforts toward threat reduction.

NTI created its website at <http://www.nti.org/index.html> to give people access to some facts about nuclear threats.

7.5 Institute for Science and International Security (ISIS)

Institute for Science and International Security is a non-government organization, which is established for informing the public about science and policy issues affecting international security. The ISIS has published “Preventing Illegal Exports: Learning from Case Studies” and “Key Elements of an Effective Export Control System” on its website at <http://www.exportcontrols.org/index.html> to assist those who want to “develop and foster an export-control culture.” The contact information of the ISIS is 236 Massachusetts Ave NE, Suite 500, Washington, D.C. 20002 (202) 547-3633 fax: (202) 547-3634, e-mail: isis@isis-online.org.

7.6 Stimson Center

Founded in 1989, the Henry L. Stimson Center is a nonprofit, nonpartisan institution devoted to enhancing international peace and security through a unique combination of rigorous analysis and outreach. It offers some practical solutions to problems of national and international security. Its endeavors include a section on export controls that provides news and information as well as links to the Internet’s preeminent U.S. government and non-governmental sites in support of export control and related issues at its website (<http://www.stimson.org/exportcontrol/>). 1111 19th Street, NW, Suite 1200, Washington, DC 20036, 202-223-5956, info@stimson.org, <http://www.stimson.org>.

7.7 Council for a Livable World

The Council for a Livable World was founded in 1962 by eminent nuclear physicist Leo Szilard and other scientists who worked in the pioneer days of atomic weapons. The mission of the council is to warn the public and Congress of the threat of nuclear war and lead the way to rational arms control and nuclear disarmament. It provides senators with sophisticated technical and scientific information that helps them make intelligent decisions about nuclear arms control, strategic and conventional weapons, the military budget and United Nations peacekeeping. In 1980, the Council created the Center for Arms Control & Non-Proliferation to support its mission by providing outreach to policy-makers, opinion-shapers and voters. The contact information of the council is: 322 4th Street, NE, Washington, D.C. 20002; Phone: 202 543 4100, website: <http://www.clw.org/>.

7.8 Center for Defense Information (CDI)

The Center for Defense Information is dedicated to strengthening security through international cooperation, reducing reliance on unilateral military power to resolve conflict, reducing reliance on nuclear weapons, transforming and reforming military establishment, and monitoring spending on defense programs. The CDI seeks to contribute alternative views on security to promote wide-ranging discourse and debate. The CDI educates the public and informs policy-makers about issues of security policy, strategy, operations, weapon systems and defense budgeting, and pursues creative solutions to the problems of today and tomorrow. The CDI is part of the World Security Institute (<http://www.worldsecurityinstitute.org/>), whose divisions include the Center for Defense Information, International Media, the Pulitzer Center on Crisis Reporting, Azimuth Media, and International Programs with offices in Brussels and Moscow, and projects in China. The contact information of the center is: 1779 Massachusetts Ave., N.W. Washington DC 20036-2109; phone: 202 332 6600; fax: 202 462 4559; e-mail: info@cdi.org; website: <http://www.cdi.org>.

7.9 Middle Powers Initiative

The Middle Powers Initiative is a program of the Global Security Institute. Its mission is to build bridges between governments to support the elimination of nuclear weapons. Its campaign is guided by an International Steering Committee, chaired by Senator Douglas Roche, O.C., former Canadian Disarmament Ambassador. Through the Middle Powers Initiative, the following eight international non-governmental organizations are able to work primarily with “middle power” governments to encourage and educate the nuclear weapons states to take immediate practical steps that reduce nuclear dangers, and commence negotiations to eliminate nuclear weapons. The Initiative also publishes a series of briefs on the issue of nonproliferation.⁸⁶

⁸⁶ These publications are freely available at its website (<http://www.middlepowers.org/mpi/pubs.html>). Its contact information is: 675 Third Avenue, Suite 315, New York, NY 10017, Tel: 1-646-289-5170, Fax: 1-646-289-5171, Email: mpi@gsinstitute.org, and website at <http://www.middlepowers.org/>.

7.10 Global Security Institute

The Global Security Institute (GSI) was founded by the United States former Senator Alan Cranston (1914-2000) from California, whose insight that nuclear weapons are impractical, unacceptably risky, and unworthy of civilization continues to inspire GSI's efforts to contribute to a safer world. GSI is dedicated to strengthening international cooperation and security based on the rule of law with a particular focus on nuclear arms control, non-proliferation and disarmament. GSI has developed an exceptional team that includes former heads of state and government, distinguished diplomats, effective politicians, committed celebrities, religious leaders, Nobel Peace Laureates, disarmament and legal experts, and concerned citizens. The Global Security Institute works through the following four results oriented programs.

1. Bipartisan Security Group: Members of Congress and their staff,
2. Disarmament & Peace Education: Citizens and leaders in the global community,
3. Middle Powers Initiative: Heads of Government, diplomats and other officials around the world, and
4. Parliamentary Network for Nuclear Disarmament: Legislators around the world.

The briefs and reports produced by the GSI can be retrieved from its website is at <http://www.gsainstitute.org/gsi/pubs.html>.

7.11 International Association of Lawyers against Nuclear Arms

International Association of Lawyers Against Nuclear Arms (IALANA) is an international association of lawyers working for the elimination of nuclear arms, the strengthening of international law and the development of effective mechanisms for the peaceful settlement of international disputes. IALANA was founded in 1988 in Stockholm and has grown into a fully-fledged international citizens' organization with consultative status with the United Nations. IALANA has also expanded its scope of action to include the following initiatives:

- Efforts to abolish all types of inhumane weapons and to control the international arms trade;
- Advancing concepts of security based on the application of law and legal mechanisms;
- Development of non-offensive defense and implementation of confidence building measures; and

- Encouraging the establishment and use of the International Criminal Court and other legal procedures to address crimes against international humanitarian law.

IALANA has four international offices: Marburg, Germany (European Office), Wellington, Aotearoa/New Zealand (Pacific Office), New York (United Nations Office), and Colombo, Sri Lanka (South Asia Office). IALANA has affiliates all over the world including United States, Canada, Germany, the Netherlands, New Zealand, India, Sweden, Belgium, Japan, the Russian Federation, Norway and Italy. Its website is at <http://www.ialana.net>.

7.12 International Network of Engineers and Scientists for Global Responsibility

An International Network of Engineers and Scientists for Global Responsibility (INES) was founded in Berlin on November 29, 1991. The primary aim of the Network is to encourage and facilitate international communication among scientists and engineers seeking to promote international peace and security, justice and sustainable development and working for a responsible use of science and technology; and to work for the reduction of military spending and for the transfer of resources thus liberated to the satisfaction of basic needs. The some publications produced by the INES can be found at its website at <http://www.inesglobal.com>.

7.13 International Peace Bureau

The International Peace Bureau (IPB) is dedicated to the vision of a World Without War. Over the years thirteen of IPB officers have been recipients of the Nobel Peace Prize. Their 265 member organizations in over sixty countries, and individual members, from a global network, bring together expertise and campaigning experience in a common cause. Their current main program centers on Sustainable Disarmament for Sustainable Development. The head quarter of the IPB is located at 41, Rue de Zurich; CH-1201 Geneva, Switzerland, Tel: 41 (22) 731 64 29; Fax: 41 (22) 738 94 19, and Website: <http://www.ipb.org>.

7.14 International Physicians for the Prevention of Nuclear War

International Physicians for the Prevention of Nuclear War (IPPNW) is the only international medical organization dedicated to preventing nuclear war and abolishing nuclear weapons. They recognize that the catastrophic health and environmental consequences of a nuclear war are at the extreme

end of a continuum of armed violence that undermines health and security. IPPNW's programs and campaigns include: International Campaign to Abolish Nuclear Weapons, An International Campaign to Prevent Small Arms Violence, and Medical Student Leadership Development.

IPPNW is a non-partisan federation of national medical organizations in sixty countries, representing tens of thousands of doctors, medical students, other health workers, and concerned citizens who share the common goal of creating a more peaceful and secure world freed from the threat of nuclear annihilation. IPPNW Central Office is located at 727 Massachusetts Ave., Cambridge, MA 02139, Telephone: (617) 868-5050, Fax: (617) 868-2560, and its website is at <http://www.ippnw.org>.

7.15 Nuclear Age Peace Foundation

The Nuclear Age Peace Foundation initiates and supports worldwide efforts to abolish nuclear weapons, to strengthen the role of international law and institutions, and to inspire and empower a new generation of peace leaders. Founded in 1982, the Foundation is comprised of individuals and organizations worldwide who realize the imperative for peace in the Nuclear Age. The Nuclear Age Peace Foundation is a non-profit, non-partisan international education and advocacy organization. It has consultative status to the United Nations Economic and Social Council and is recognized by the UN as a Peace Messenger Organization. Its Washington D.C. Office is located at 322 Fourth Street NE, Washington, DC 20002, Telephone: (202) 543-4100, ext 105, Fax: (202) 546-5142; and its website is at <http://www.wagingpeace.org>.

7.16 Stockholm International Peace Research Institute (SIPRI)

The SIPRI's mission on export controls and nonproliferation includes raising the quality of information and awareness of the current state of national and multilateral export control systems in Europe. The SIPRI offers insights in to national arms export controls, multilateral export control regimes, and international organizations providing support to control efforts through its numerous publications and databases. Some of its publications and databases are freely available on its website at <http://www.sipri.org/contents/webmaster/publications>. The contact information of the institute is: Signalistgatan 9, SE-169 70 Solna, Sweden, Phone: 46-8-655-97-00; fax: 46-8-655 97 33; e-mail: sipri@sipri.org; and website: <http://projects.sipri.se/>.